

**C. W. BURKE
INDICTED
FOR SUBORNING
PERJURY**

Frank Case Employee
Tried to
Change Girls'
Testimony,
It Is Charged

An indictment charging attempt to subornate perjury was returned by the Fulton County grand jury Thursday afternoon against C. W. Burke, employed by Counsel for Leo M. Frank to get evidence in the Frank Case.

The indictment charges Burke with attempting to force Nellie Ferguson to change her testimony in the Frank Case. At the trial

of Frank, she testified that the Friday before the murder she went to Frank and asked him to let her have Mary Phagan's pay, but that Frank told her Mary herself would have to come and get the pay the next day.

In the indictment it is alleged that Burke approached Miss Ferguson some time before the hearing on Frank's extraordinary motion for a new trial and tried to get her to change this testimony.

Commissioner Tull C. Waters was summoned to testify before the Grand Jury Thursday, but at 1 o'clock he was excused without having been called into the jury room. It is probable he will be summoned before the session again next Tuesday.

During the recent campaign in which the charges which are being investigated were made, Mr. Waters wrote more sensational cards than any other member of the commission or candidate. He is to be called upon to substantiate his charges and this, he says, he is fully able to do.

Mr. Waters laid particular stress upon the deals made by the Board with the Barber Asphalt Company, charging that the Board had, over his protesting vote, paid \$5 more per ton for that Company's material than the market price, and that on one occasion it had paid the Barber Company for a high priced material when that Company delivered and the County used a much inferior and cheaper material.

Mr. Waters also charged that members of the Board, over his protesting vote, had violated the law by working new roads, which had not been advertised according to the law.
